

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Edwin C. Cliff
App. No. : 10/828793
Filed : April 20, 2004
For : AUTOMATED DIAGNOSTIC
SYSTEM AND METHOD
Examiner : Shubo Zhou
Art Unit : 1631

SUBMISSION PURSUANT TO M.P.E.P. § 2001.06(c) – ONGOING LITIGATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to M.P.E.P. § 2001.06(c), which states that “[w]here the subject matter for which a patent is being sought is or has been involved in litigation, the existence of such litigation and any other material information arising therefrom must be brought to the attention of the U.S. Patent and Trademark Office,” Applicant respectfully submits the following:

On August 1, 2007, Healthways, Inc. (“Healthways”) acquired the present application and U.S. Pat. Nos. 5,660,176; 5,711,297; 5,868,669; 5,910,107; 6,113,540; 6,206,829; 6,234,964; 6,482,156; 6,770,029; 6,849,045; and 7,297,111. On January 6, 2009, Healthways and Robert Bosch North America Corp. (“Robert Bosch”) announced a joint licensing program managed by Health Hero Network (HHN), a wholly owned subsidiary of Robert Bosch. The above-listed patents and patents issuing from the present application are subject to the joint licensing program.

On or about January 26, 2009, Healthways and Robert Bosch filed an amended complaint against Alere, LLC in the United States District Court for the Northern District of Illinois (Eastern Division) alleging that Alere, LLC is infringing the above-listed patents. Litigation

between these parties is ongoing, and is assigned Civil Action No. 1:08-cv-06337. If further information is needed, or if any materials arising from the litigation are needed, the Patent Office is respectfully invited to request such information or materials from the undersigned attorney. Applicant will thereafter promptly provide the requested information or materials.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

5/22/09

By: _____

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